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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-eighth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1996/1.

3. At its forty-sixth session, the Sub-Commission, by its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1).

5. As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1988/104, the Sub-Commission decided to consider, after its forty-first session in 1989, the item entitled "Review of the work of the Sub-Commission" on a biennial basis.

7. By its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year as a sub-item of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

8. By its resolution 1994/31, the Sub-Commission decided to discontinue consideration of the question of encouragement of universal acceptance of human rights instruments under a separate agenda item.

Organization of work

9. With regard to the question of the organization of work of the present session, the Sub-Commission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc inter-sessional subsidiary bodies without prior approval of the Council.

10. Four working groups were scheduled to meet prior to the forty-eighth session of the Sub-Commission: the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 14), the Working Group on Contemporary Forms of Slavery (see annotations to item 15) and the Working Group on Minorities (see annotations to item 17).

11. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. The Sub-Commission may wish to consider establishing such a sessional working group at the present session.

12. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its resolution 1992/8 containing the guidelines concerning its methods of work, in particular to guidelines Nos. 13 (Schedule of meetings), 14 (Order of statements), 15 (List of speakers) and 16 (Speaking time).

13. At its forty-sixth session, the Sub-Commission established a sessional working group on methods of work. In its decision 1994/117, the Sub-Commission decided to adopt the report of its sessional working group on methods of work (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to.

14. The recommendations of the working group on methods of work regarding agenda item 6, as approved by the Sub-Commission, were as follows:

"1. Speaking time

(a) As a guideline supplementary to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 1800 hours on the day before the opening of the debate on agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

"2. Allocation of time and sequence of speaking

The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission."

15. At its forty-seventh session, the Sub-Commission, in its decision 1995/112, decided to adopt, on an experimental basis, the following rulings concerning its methods of work at its forty-eighth session:

(a) All statements in exercise of the right of reply will be made only at the end of the debate on each agenda item;

(b) Denunciations of cases of violations of human rights and specific accusations made under item 6 cannot be repeated under another item of the agenda.

16. In its decision 1995/113, the Sub-Commission, in the light of the good results of the practice, adopted at its forty-seventh session, of considering agenda item 6 at the beginning of the session, decided to continue that practice and to consider item 6 at its forty-eighth session starting on the day following the adoption of the agenda.

17. In its decision 1995/114, the Sub-Commission decided to earmark at least one closed meeting at its forty-eighth session, during which only the members of the Sub-Commission could take the floor, to enable the experts and their alternates to exchange views among themselves on various topics. At its fifty-second session, the Commission on Human Rights took note of Sub-Commission decision 1995/114 and requested the Sub-Commission to devote a portion of these closed meetings to consideration of the outcome of the review of its mandate and working methods.

18. In its decision 1995/115, the Sub-Commission decided to consider at its forty-eighth session how best to carry out its mandate in examining item 6 of its agenda concerning violations of human rights and fundamental freedoms, while taking into account all reliable sources. In that regard, and taking into account the interest shown in the information contained in the reports of Special Rapporteurs and Chairmen-Rapporteurs of Working Groups of the Commission on Human Rights, the Sub-Commission requested the Secretariat on the one hand to make those reports available to the experts who requested them at the forty-eighth session and on the other hand to undertake appropriate consultations with the Special Rapporteurs and Chairmen-Rapporteurs, in particular during their annual joint meeting, so that their preoccupations and those of the Sub-Commission could be taken into account; and requested the Secretary-General to report on that meeting to the Sub-Commission at its forty-eighth session.

19. When considering its organization of work, the Sub-Commission may also wish to recall its decision 1990/122, by which it decided that draft resolutions and decisions should not be introduced by one of the sponsors, and urged members not to make general comments on the draft, but rather to offer only concrete proposals on the texts.

20. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the special rapporteurs of the Sub-Commission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, the attention of the Sub-Commission is also drawn to the relevant resolutions concerning control and limitation of documentation, as well as to the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

21. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 (decision 1990/105) and agenda item 9 (decision 1990/111).

22. At the same session, the Sub-Commission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

23. At its forty-seventh session, the Commission, in its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members. This recommendation was adopted by the Economic and Social Council at its first regular session of 1991, in its resolution 1991/32.

24. At its forty-fourth session, the Sub-Commission, by its decision 1992/105, decided, pursuant to Economic and Social Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.

25. At its forty-sixth and forty-seventh sessions, the Sub-Commission, by its decisions 1994/110 and 1995/106, decided to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

Item 3. Review of the work of the Sub-Commission

26. This item was first on the Sub-Commission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. (See also para. 6 above.) Subsequently, the Economic and Social Council, by resolutions 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25 and decisions 1986/102 and 1994/103; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117, 1994/117, 1995/112, 1995/113, 1995/114 and 1995/115, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25, the Commission requested the Chairmen of the Sub-Commission to report to the Commission. The Chairpersons of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70), fifty-first (E/CN.4/1995/83) and fifty-second (E/CN.4/1996/81) sessions.

27. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Sub-Commission, decided to annex to that resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

28. At its forty-fifth session, the Sub-Commission, in its resolution 1993/4 decided to convene, during its forty-sixth session, a sessional working group to continue the study of its methods of work, with particular emphasis on the methods to be used and procedures to be followed under item 6 of the agenda concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission. (See also paras. 13-18 above.)

29. In its decision 1994/103, entitled "Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission inter alia requested the Sub-Commission to present its recommendations to the Commission, in so far as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

30. The Commission on Human Rights, at its fifty-second session, adopted resolution 1996/25, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, inter alia,

(a) Reaffirmed that the Sub-Commission could best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

(b) Reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, in accordance with its mandate, as well as the presentation of the results of the examination to the Commission;

(c) Invited the Sub-Commission to continue to give due regard to new developments in the field of human rights;

(d) Called upon the Sub-Commission, in the fulfilment of its functions and duties, to observe the resolutions and decisions of the Commission and the Economic and Social Council regarding its work;

(e) Requested the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication with the Commission and its mechanisms and, in this context, taking into account the views of Member States, to give particular attention to:

(i) Further rationalization of its agenda;

(ii) Selection of subjects for studies, as well as the commissioning, number, treatment and time-frame of studies and reports;

(iii) The functioning and mandate of its mechanisms;

(iv) The need to focus on the implementation of existing human rights standards and mechanisms;

(v) The consideration of alleged violations of human rights;

(vi) The need for enhanced cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies including the human rights treaty bodies; and

(vii) The composition of the Sub-Commission and criteria for membership;

(f) Decided to consider the report of the Sub-Commission on this issue at its fifty-third session in the context of the review of the mandate and working methods of the Sub-Commission.

In the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate in the Commission on the work of the Sub-Commission.

31. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, in which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission on Human Rights

32. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights, inter alia, requested the Sub-Commission to prepare, for the use of the Commission in its examination of that question, a report containing information on violations of human rights and fundamental freedoms from all available sources (para. 2). The Commission further invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories (para. 6).

33. At its fortieth session, the Commission decided to continue at its forty-first session the discussion of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

34. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which had been made in order to enable the Sub-Commission better to discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. The Sub-Commission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

35. At its forty-second session, the Sub-Commission, in its decision 1990/125, took note of the report of its Working Group established pursuant to its decision 1989/104 (E/CN.4/Sub.2/1990/14) and decided that the Working Group should continue its work at the forty-third session of the Sub-Commission.

36. At its forty-third session, the Sub-Commission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Sub-Commission decided to establish in 1992, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission with regard to, inter alia, methods and means of dealing with violations of human rights.

37. At its forty-eighth and subsequent sessions, the Commission reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission (resolutions 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25).

38. In its report (E/CN.4/Sub.2/1992/3), the inter-sessional Working Group on the methods of work of the Sub-Commission recommended to the Sub-Commission that it transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in the Sub-Commission of violations of human rights" (E/CN.4/Sub.2/1992/3/Add.1), which the inter-sessional Working Group had not been able to consider because of the limits to its terms of reference.

39. The sessional working group convened by the Sub-Commission during its forty-sixth session pursuant to Sub-Commission resolution 1993/4, adopted several recommendations relating to methods of work of the Sub-Commission regarding agenda item 6 (E/CN.4/Sub.2/1994/3, annex). By its decision 1994/117, the Sub-Commission approved the recommendations of its working group and decided that they should be strictly adhered to (see paras. 13 and 14 above).

40. Further decisions relating to the methods of consideration of agenda item 6 were adopted by the Sub-Commission at its forty-seventh session (see paras. 15, 16 and 18 above).

Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

41. At its forty-fifth session the Sub-Commission decided, by its decision 1993/104, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

42. At its forty-sixth session, the Sub-Commission had before it the working paper prepared by the secretariat (E/CN.4/Sub.2/1994/17) and the text of the opinion of the Legal Counsel (E/CN.4/Sub.2/1994/17/Add.1).

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

43. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-eighth session, will have before it a note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1996/3).

44. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1996/4 and E/CN.4/Sub.2/1996/5 respectively.

Traditional practices affecting the health of women and children

45. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

46. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. The Special Rapporteur subsequently submitted to the Sub-Commission, at its forty-first and forty-third sessions, her preliminary and final reports contained, respectively, in documents E/CN.4/Sub.2/1989/42 and Add.1 and E/CN.4/Sub.2/1991/6.

47. At its forty-third session, the Sub-Commission also had before it the report of the regional seminar on that subject held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48).

48. At its forty-sixth session the Sub-Commission, in its resolution 1994/30, having taken note of the report of the regional seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

49. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Sub-Commission resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years, in order to enable her to undertake an in-depth study to

assess, inter alia, the differences and the similarities between traditional practices affecting the health of women and children in many parts of the world.

50. At its forty-seventh session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1995/6), in connection with which it adopted resolution 1995/20.

51. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1996/6).

Discrimination against HIV-infected people or people with AIDS

52. At its forty-first session, the Sub-Commission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS, taking into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened at Geneva from 26 to 28 July 1989 (HR/PUB/90/2).

53. The Special Rapporteur subsequently submitted to the Sub-Commission his preliminary progress and final reports in documents E/CN.4/Sub.2/1990/9, E/CN.4/Sub.2/1991/10, E/CN.4/Sub.2/1992/10 and E/CN.4/Sub.2/1993/9.

54. The Sub-Commission at its forty-sixth session, had before it the report of the Secretary-General on developments in the United Nations system concerning HIV/AIDS, in particular the progress made in establishing a joint and co-sponsored United Nations programme on HIV/AIDS (E/CN.4/Sub.2/1994/8).

55. At its forty-seventh session, the Sub-Commission adopted resolution 1995/21 in which it, inter alia, decided to keep the issue of HIV/AIDS-related discrimination and human rights violations under continuous review, and to give consideration to this issue under all relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

56. The Commission, at its fifty-second session, had before it a report of the Secretary-General (E/CN.4/1996/44). The Commission, in its resolution 1996/43, inter alia, urged all United Nations human rights bodies, including treaty bodies, special rapporteurs and representatives of working groups of the Commission to keep under review the protection of HIV-related human rights in relation to their respective mandates, and requested the High Commissioner for Human Rights to continue his efforts, in cooperation with UNAIDS and non-governmental organizations, as well as groups of people living with HIV/AIDS, towards the elaboration of guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS.

Definition of gross and large-scale violations of human rights as an international crime

57. At its forty-fifth session, the Sub-Commission, in its resolution 1993/30, expressed its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of

human rights as an international crime (E/CN.4/Sub.2/1993/10 and Corr.1) and decided to recommend that the Commission on Human Rights appoint him as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

58. The Commission on Human Rights, at its fiftieth session, decided, by its decision 1994/103, to request the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned report. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

59. At its forty-sixth session the Sub-Commission, in its resolution 1994/28, having taken into account decision 1994/103 of the Commission on Human Rights and having considered, however, that the preparation of that report was very important and opportune, decided to recommend to the Commission the appointment of Mr. Chernichenko as Special Rapporteur.

60. At its fifty-first session, the Commission on Human Rights, in its decision 1995/111, requested the Sub-Commission, bearing in mind the work of the other United Nations bodies on that issue, to reconsider its recommendation to appoint a special rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime.

61. At its forty-seventh session, the Sub-Commission, in its resolution 1995/22, having taken into account Commission on Human Rights decision 1995/111, reaffirmed its recommendation to the Commission regarding the appointment of Mr. Chernichenko as Special Rapporteur.

62. At its fifty-second session, the Commission on Human Rights, in its decision 1996/105, having taken note of resolution 1995/22 of the Sub-Commission and bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

Democratic society

63. The Commission of Human Rights at its fifty-first session, adopted resolution 1995/60, in which, inter alia, it recommended that the Sub-Commission discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights.

64. At its forty-seventh session, the Sub-Commission, in its decision 1995/116, decided to request Mr. O. El-Hajjé to prepare, without financial implications, a working paper on democracy and the establishment of a democratic society, to be submitted to it at its forty-eighth session.

65. At the present session, the Sub-Commission will have before it a working paper prepared by Mr. El-Hajjé (E/CN.4/Sub.2/1996/7).

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

66. The Sub-Commission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda. It is currently centred on the work of the Commission on Human Rights Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

67. At its fifty-second session, the Commission on Human Rights, in resolution 1996/21, took note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1996/72 and Add.1), expressed its full support and appreciation for the work of the Special Rapporteur and for its continuation; commended those States that have so far invited and received the Special Rapporteur and invited them to examine carefully the recommendations contained in his report, with a view to their possible implementation; categorically condemned any role played by some print, audiovisual or electronic media in inciting act of violence motivated by racial hatred; supported the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance; decided to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission, beginning at its fifty-third session; requested the Special Rapporteur to continue his exchange of views with the relevant mechanism and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation; regretted that the Special Rapporteur had again encountered difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources; decided to defer the consideration of addenda 2, 3 and 4 to the report of the Special Rapporteur until its fifty-third session.

68. With regard to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, the Commission at its fifty-second session deeply regretted that the financial resources which should have been allocated for the implementation of the 1994-1995 biennial programme for the Third Decade were not provided; requested, therefore, the Secretary-General to include the activities for the Third Decade not

implemented in 1994-1995 biennial programme in the future programme for the Decade and to provide the resources necessary for it; noted the request of the General Assembly addressed to the Secretary-General to consult Member States and intergovernmental as well as non-governmental organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance; recommended that the Economic and Social Council at its substantive session of 1996 request the Secretary-General to take the necessary measures in order to transmit the results of the consultations to the General Assembly at its fifty-first session (resolution 1996/8).

69. The attention of the Sub-Commission is drawn to the reports submitted by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to the fifty-second session of the Commission on Human Rights (E/CN.4/1996/72 and Add.1).

70. The attention of the Sub-Commission is also drawn to the report of the Secretary-General (E/CN.4/1996/71) and a note by the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1996/71/Add.1).

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

71. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

72. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of

human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

73. In discussing this item, the Sub-Commission may wish to take into account the following resolutions and decision adopted by the Sub-Commission at its forty-seventh session, by the General Assembly at its fiftieth session, and by the Commission on Human Rights at its fifty-second session, in addition to those referred to in the foregoing paragraphs:

Sub-Commission (forty-seventh session)

Resolutions

1995/1	Expression of solidarity with the Special Rapporteur of Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki
1995/2	Situation in the Middle East
1995/3	Situation of human rights in Iraq
1995/4	Prevention of incitement to hatred and genocide, particularly by the media
1995/5	Situation of human rights in Rwanda
1995/6	Situation in Colombia
1995/7	Situation of human rights in Guatemala
1995/8	Situation in the territory of the former Yugoslavia
1995/9	Situation in the Palestinian and other Arab territories occupied by Israel
1995/10	Situation of human rights in Kosovo
1995/11	Situation of human rights in Burundi
1995/18	Situation of human rights in the Islamic Republic of Iran

Decisions

1995/106	Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries
1995/107	Humanitarian situation in Iraq
1995/108	Situation of human rights in Turkey

Resolutions

50/29 A to D	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
50/186	Human rights and terrorism
50/188	Situation of human rights in the Islamic Republic of Iran
50/189	Situation of human rights in Afghanistan
50/190	Situation of human rights in Kosovo
50/191	Situation of human rights in Iraq
50/192	Rape and abuse of women in the areas of armed conflict in the former Yugoslavia
50/193	Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
50/194	Situation of human rights in Myanmar
50/195	Protection of and assistance to internally displaced persons
50/196	Human rights in Haiti
50/197	Situation of human rights in the Sudan
50/198	Situation of human rights in Cuba
50/199	Situation of human rights in Nigeria
50/200	Situation of human rights in Rwanda

Commission on Human Rights (fifty-second session)

Resolutions

1996/1	Situation of human rights in Burundi
1996/2	Human Rights in the occupied Syrian Golan
1996/3	Question of the violation of human rights in the occupied Arab territories, including Palestine
1996/4	Israeli settlements in the occupied Arab territories

1996/5	Situation in occupied Palestine
1996/47	Human rights and terrorism
1996/66	Situation of human rights in Equatorial Guinea
1996/67	Situation of human rights in Togo
1996/68	Human rights situation in southern Lebanon and West Bekaa
1996/69	Human rights in Cuba
1996/71	Situation of human rights in the Republic of Bosnia and Herzegovina, the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
1996/72	Situation of human rights in Iraq
1996/73	Situation of human rights in the Sudan
1996/74	Extrajudicial, summary or arbitrary executions
1996/75	Situation of human rights in Afghanistan
1996/76	Situation of human rights in Rwanda
1996/77	Situation of human rights in Zaire
1996/79	Situation of human rights in Nigeria
1996/80	Situation of human rights in Myanmar
1996/84	Situation of human rights in the Islamic Republic of Iran

Statement by the Chairman on the situation of human rights in Colombia (E/1996/23-E/CN.4/1996/177, chap. III)

Statement by the Chairman on the situation of human rights in East Timor (E/1996/23-E/CN.4/1996/177, chap. X)

Statement by the Chairman on the situation of human rights in the Republic of Chechnya of the Russian Federation (E/1996/23-E/CN.4/1996/177, chap. X)

Statement by the Chairman on the situation of human rights in Liberia (E/1996/23-E/CN.4/1996/177, chap. II)

74. At its present session the Sub-Commission will have before it a note by the Secretary-General on relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, submitted pursuant to Sub-Commission resolution 1995/18 (E/CN.4/Sub.2/1996/9).

Item 7. The new international economic order and the promotion of human rights

75. The Sub-Commission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. In its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis.

76. No decision was adopted under this item by the Sub-Commission at its forty-seventh session.

Sub-item (a) The role and equal participation of women in development

77. The Sub-Commission proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item on its agenda during its thirty-seventh session, in 1984.

78. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

79. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 8. The realization of economic, social and cultural rights

80. The Commission, at its forty-third session, in resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35, the preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

81. At its fortieth session, the Sub-Commission, in its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur should take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission. That decision was endorsed by the Commission in its resolution 1989/13 and by the Economic and Social Council in its decision 1989/138.

82. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preliminary report (E/CN.4/Sub.2/1989/19); two progress reports (E/CN.4/Sub.2/1990/19 and E/CN.4/Sub.2/1991/17) and a final report (E/CN.4/Sub.2/1992/16).

83. At its forty-fourth session, the Sub-Commission, in its resolution 1992/29, expressed its deep appreciation to the Special Rapporteur, Mr. Danilo Türk, for his final report on the realization of economic, social and cultural rights, endorsed the recommendations contained in paragraphs 202 to 246 of that report and requested the Secretary-General to ensure the widest possible distribution of the reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields. In the same resolution, it urged the international financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impacts of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights. It requested the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights.

The right to adequate housing

84. At its forty-third session, in its resolution 1991/26, the Sub-Commission entrusted Mr. Rajindar Sachar with the task of producing a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of this right. The Sub-Commission also requested Mr. Sachar to examine the utility of adopting an international declaration or convention on the right to adequate housing and to examine the specific contents of this right, and to submit his working paper to the Sub-Commission at its forty-fourth session.

85. At its forty-fourth session, the Sub-Commission, in its resolution 1992/26, having taken note of the preliminary conclusions contained in the working paper (E/CN.4/Sub.2/1992/15), decided to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing.

86. At its forty-fifth session, the Sub-Commission adopted resolution 1993/36, in which it endorsed the preliminary conclusions and recommendations contained in the progress report of the Special Rapporteur (E/CN.4/Sub.2/1993/15) and requested him to submit to the Sub-Commission, at its forty-sixth session, a second progress report.

87. At its forty-sixth session, in its resolution 1994/38, the Sub-Commission expressed its appreciation to the Special Rapporteur for his second progress report (E/CN.4/Sub.2/1994/20). It took note with interest of the draft international convention on housing rights, contained in the second progress report (chap. IX). The Sub-Commission invited States, United Nations specialized and other agencies, international and regional intergovernmental organizations, and non-governmental and community-based organizations to provide the Special Rapporteur with their views and comments on all aspects of the right to adequate housing, in particular the draft international convention on housing rights, for consideration in the preparation of his final report. The Sub-Commission decided to consider the final report and to develop a series of concrete measures based upon it at its forty-seventh session.

88. At its forty-seventh session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/12). In its resolution 1995/27, the Sub-Commission firmly endorsed the specific recommendations contained in chapter VIII of the final report and urged the entities listed therein to implement the recommendations in a timely fashion. The Sub-Commission requested the Secretary-General to solicit from States, United Nations bodies, the specialized agencies and relevant non-governmental and community-based organizations their comments on the draft international convention on housing rights contained in the Special Rapporteur's second progress report (E/CN.4/Sub.2/1994/20, chap. IX) and the indicators contained in his final report (E/CN.4/Sub.2/1995/12, chap. IV). The Secretary-General was also requested to submit to the Sub-Commission at its forty-eighth session a compilation of and an analytical commentary on the views and comments received from States, United Nations bodies, specialized agencies, international and regional organizations, non-governmental organizations and community-based organizations on all aspects of the right to adequate housing and to develop further the analysis contained in the final report of the Special Rapporteur regarding the use of indicators in monitoring compliance with the right to adequate housing. The Sub-Commission decided to examine and determine at its forty-eighth session how most effectively to proceed within the United Nations human rights programme with activities designed to promote the full realization of the human right to adequate housing.

89. At the present session, the Sub-Commission will have before it a note by the Secretary-General on this subject (E/CN.4/Sub.2/1996/10).

Human rights and extreme poverty

90. The Commission on Human Rights, at its forty-sixth session, in resolution 1990/15, reaffirmed that extreme poverty and exclusion from society constituted violations of human dignity and that urgent national and international action was therefore required to eliminate them; it requested the Sub-Commission, when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

91. By its decision 1990/119, the Sub-Commission decided to request Mr. Eduardo Suescún Monroy to prepare the method and plan of work for the study on human rights and extreme poverty. At its forty-third session, the Sub-Commission had before it the report prepared by Mr. Eduardo Suescún Monroy (E/CN.4/Sub.2/1991/18).

92. The Commission, at its forty-eighth session, in resolution 1992/11, requested the Sub-Commission to undertake a study on the question of extreme poverty.

93. At its forty-fourth session, the Sub-Commission, in its resolution 1992/27, decided to appoint Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty and requested him to submit a preliminary report to the Sub-Commission at its forty-fifth session.

94. The Commission, at its forty-ninth session, in its resolution 1993/13, endorsed the Sub-Commission's decision and invited the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them.

95. At its forty-fifth session, the Sub-Commission, in its resolution 1993/35, took note with appreciation of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1993/16) and requested him to submit to it, at its forty-sixth session, an interim report.

96. At its fiftieth session, the Commission, in its resolution 1994/12, approved the recommendation of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, and decided to examine this question at its fifty-first session.

97. At its forty-sixth session, the Sub-Commission in its resolution 1994/41, requested the Special Rapporteur to submit to it at its forty-seventh session a second interim report, taking account of the comments made, particularly by the members of the Sub-Commission during consideration of his first interim report, and the results of the seminar on the topic "Extreme poverty and the denial of human rights", and including the initial results of his consultation with persons living in extreme poverty and persons working alongside them.

98. The Commission, at its fifty-first session, in its resolution 1995/16, welcomed the holding of the innovative seminar on extreme poverty and the denial of human rights, took note with appreciation of the report of the seminar (E/CN.4/1995/101), and recommended it to the attention of the Special Rapporteur.

99. At its forty-seventh session, the Sub-Commission had before it the second interim report of the Special Rapporteur (E/CN.4/Sub.2/1995/15). In its resolution 1995/28, the Sub-Commission requested the Special Rapporteur to submit to it, at its forty-eighth session, a final report focusing on the results of his consultation with persons living in extreme poverty and persons working alongside them, and taking account of the conclusions and relevant data emerging from the World Summit for Social Development in March 1995 and the Fourth World Conference on Women to be held in Beijing in September 1995, and of the activities to be undertaken in 1996, which the General Assembly, in its resolution 48/183 of 21 December 1993, proclaimed International Year for the Eradication of Poverty.

100. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/13).

Forced evictions

101. At its forty-third session, the Sub-Commission, in its resolution 1991/12, decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples at its forty-fourth session.

102. The Commission on Human Rights, at its forty-ninth session, in its resolution 1993/77, adopted upon the recommendation of the Sub-Commission contained in its resolution 1992/14, requested the Secretary-General to compile an analytical report on the practice of forced eviction, based on an analysis of international law and jurisprudence and information submitted.

103. At its forty-fifth session, the Sub-Commission decided in its resolution 1993/41 to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General (E/CN.4/1994/20) under the agenda item entitled "The realization of economic, social and cultural rights" and determine how most effectively to continue its consideration of the issue of forced evictions.

104. At its forty-sixth session the Sub-Commission, in its resolution 1994/39, requested the Secretary-General, in accordance with paragraph 172 of his analytical report, to prepare a series of guidelines on international events and forced evictions.

105. At its forty-seventh session, the Sub-Commission had before it the report of the Secretary-General on this subject (E/CN.4/Sub.2/1995/13). In its resolution 1995/29, the Sub-Commission requested the Secretary-General to submit an updated report on the guidelines for international events and forced evictions at its forty-eighth session.

106. In the same resolution, the Sub-Commission requested the Secretary-General to convene an expert seminar on the practice of forced eviction and the relationship of this practice to internationally recognized human rights, with a view to developing comprehensive human rights guidelines on development-based displacement.

107. The Commission on Human Rights, at its fifty-second session in its decision 1996/104, decided to recommend to the Economic and Social Council, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, to authorize the holding of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

108. At the present session, the Sub-Commission will have before it a report of the Secretary-General on guidelines on international events and forced evictions (E/CN.4/Sub.2/1996/11).

Income distribution

109. At its forty-fourth session the Sub-Commission, in its resolution 1992/29, decided to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights and the issue of justiciability of economic, social and cultural rights.

110. At its forty-fifth session, the Sub-Commission, in its resolution 1993/40, decided to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field. This decision was endorsed by the Commission in its resolution 1994/20.

111. At its forty-sixth session the Sub-Commission, in its resolution 1994/40, decided to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights and income distribution. By its decision 1995/105, the Commission on Human Rights approved the Sub-Commission's decision.

112. At its forty-seventh session, the Sub-Commission, in its resolution 1995/30, endorsed the conclusion initially established in the preparatory document prepared by Mr. Eide and repeated in Mr. Bengoa's preliminary report (E/CN.4/Sub.2/1995/14) that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, political or civil, and that equality of opportunity is an essential element for participating effectively in the development process and for obtaining a just share of the benefits deriving from it, expressed its agreement with the work plan presented in the

preliminary report, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-eighth session and final report at its forty-ninth session.

113. At the present session, the Sub-Commission will have before it the progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/14).

The working methods and activities of transnational corporations

114. At its forty-sixth session, the Sub-Commission, in its resolution 1994/37, recalling the provisions of the Charter which establishes that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all, and mindful of the Vienna Declaration and Programme of Action, in which the need was underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels, requested the Secretary-General to prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

115. At its forty-seventh session, the Sub-Commission, in its resolution 1995/31, reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128, and recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively, endorsed the background document of the Secretary-General as requested in its resolution 1994/37 (E/CN.4/Sub.2/1995/11). It also requested the Secretary-General to prepare for its consideration at its forty-eighth session a report on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter.

116. At the present session, the Sub-Commission will have before it the report of the Secretary-General on the subject (E/CN.4/Sub.2/1996/12).

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) (see also paras. 136 to 142 below)

117. At its forty-seventh session, the Sub-Commission, in its resolution 1995/34, welcomed with satisfaction the interim report on opposition to the impunity of perpetrators of violations of human rights (economic, social and cultural rights) prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1995/19), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session. The Sub-Commission decided to consider the question of the impunity of

perpetrators of violations of human rights (economic, social and cultural rights) at its forty-eighth session under the agenda item entitled "The realization of economic, social and cultural rights".

118. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/15).

Other matters

119. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolution 50/184, entitled "Right to development".

120. The Sub-Commission may also wish to note the following resolutions adopted by the Commission at its fifty-second session, in addition to those referred to in the foregoing paragraphs:

1996/9	Human rights and unilateral coercive measures
1996/11	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
1996/12	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development
1996/13	Human rights and the environment
1996/14	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
1996/15	The right to development

Item 9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

121. In its resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission

adopted resolution 1 (XXIV) of 13 August 1971 containing provisional procedures for dealing with the question of admissibility of communications. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. It has met annually prior to each session of the Sub-Commission and submitted to it a confidential report.

122. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

123. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

124. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

125. A number of other procedural steps have been taken at the Commission level, or by the Economic and Social Council, with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). From 1974 to 1989, the Commission every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations as to what course of action the Commission might take in respect of each particular situation. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

126. By decision 1990/112, the Sub-Commission decided that the Working Group on Communications, acting under paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held

from 22 July to 2 August 1996, the Working Group on Communications will, accordingly, consider communications received and processed by the Secretariat since 22 April 1995 and forwarded to the Governments concerned not later than 26 April 1996.

127. Since its forty-first session in 1989, the Sub-Commission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). In 1989 and 1990, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, since 1991, by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Sub-Commission.

128. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-eighth session.

129. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications on its meetings from 22 July to 2 August 1996;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The text of the confidential decisions of the Commission's fifty-second session and other documents relating thereto including the confidential summary records of that session, as available;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Sub-Commission's forty-seventh session, as well as replies received from Governments during the period July 1995-June 1996.

130. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 10. The administration of justice and the human rights of detainees

Sessional working group on the administration of justice and the question of compensation

131. At its thirty-fourth (1981) and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

132. At its forty-sixth session, the Sub-Commission decided, by its decision 1994/104, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

133. At its forty-seventh session, the Sub-Commission adopted decision 1995/117, in which it, having taken note with satisfaction of the report of the sessional working group on the administrative of justice and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1), decided to request the working group to continue with priority, at the forty-eighth session, the consideration of the proposed basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" (E/CN.4/Sub.2/1993/8), with a view to making substantive progress in the matter. Mr. van Boven was requested to submit, without financial implications, in time for the Sub-Commission's consideration at its forty-eighth session, a revised set of proposed basic principles and guidelines on remedies in the light of existing relevant international instruments, taking into account the new comments received from States and intergovernmental organizations and non-governmental organizations, as well as the relevant sections of the report of the working group on the administration of justice and the question of compensation.

134. The Commission on Human Rights, at its fifty-second session, in its resolution 1996/35, entitled "Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms", encouraged the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines at its forty-eighth session, with a view to making substantive progress on this matter in the specific field of violations of human rights.

135. At the present session the Sub-Commission will have before it the revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law prepared by Mr. van Boven (E/CN.4/Sub.2/1996/17).

Question of the impunity of perpetrators of violations of human rights

136. By its decision 1991/110, the Sub-Commission, taking into account the interest shown at its forty-third session in the working paper on measures to be taken to combat the increasingly widespread practice of impunity for perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5), decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper expanding and elaborating upon the above-mentioned paper, for consideration by the Sub-Commission at its forty-fourth session.

137. At its forty-fourth session the Sub-Commission, in its resolution 1992/23, took note with satisfaction of the working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18) and decided to request them to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice. This decision was endorsed by the Commission in its resolution 1993/43.

138. At its forty-fifth session the Sub-Commission adopted resolution 1993/37, in which it welcomed the preliminary report (E/CN.4/Sub.2/1993/6) on the question of the impunity of perpetrators of violations of human rights (civil and political rights).

139. At its forty-sixth session the Sub-Commission, in its resolution 1994/34, welcomed with satisfaction the preliminary report (E/CN.4/Sub.2/1994/11) on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) and decided, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights.

140. At its forty-seventh session, the Sub-Commission had before it the reports of the two Special Rapporteurs (E/CN.4/Sub.2/1995/18 and E/CN.4/Sub.2/1995/19) (see also paras. 117-118 above).

141. In its resolution 1995/35, the Sub-Commission welcomed with satisfaction the progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights) prepared by Mr. Luis Joinet (E/CN.4/Sub.2/1995/18), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session. The Sub-Commission decided to consider the question of the impunity of perpetrators of violations of human rights (civil and political rights) at its forty-eighth session under the agenda item entitled "The administration of justice and the human rights of detainees".

142. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/18).

Privatization of prisons

143. At its forty-first session, by decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martínez to prepare, without financial implications, a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the working paper to the Sub-Commission at its forty-second session.

144. At its forty-third, forty-fourth and forty-fifth sessions, the Sub-Commission had before it, respectively, the working paper submitted by Mr. Alfonso Martínez (E/CN.4/Sub.2/1991/56), a working paper submitted by the Secretary-General (E/CN.4/Sub.2/1992/21) and an outline prepared by Mrs. Palley (E/CN.4/Sub.2/1993/21).

145. The Sub-Commission, at its forty-fifth session, requested the Commission on Human Rights, by its decision 1993/109, to authorize the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study.

146. At its fiftieth session, the Commission, by its decision 1994/103, requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any

determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

147. No decision was taken by the Sub-Commission on this issue at its forty-sixth and forty-seventh sessions.

The right to a fair trial

148. The Sub-Commission, at its forty-first session, adopted resolution 1989/27, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial.

149. The Special Rapporteurs submitted their preparatory, preliminary and progress reports (E/CN.4/Sub.2/1990/34, E/CN.4/Sub.2/1991/29, E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-2), to the Sub-Commission at its forty-second, forty-third, forty-fourth and forty-fifth sessions.

150. The Sub-Commission, at its forty-sixth session, had before it the final report of the Special Rapporteurs (E/CN.4/Sub.2/1994/24), which included recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights, and a draft body of principles on the right to a fair trial and a remedy.

151. At its fifty-first session, the Commission on Human Rights, in its decision 1995/110, noting Sub-Commission resolution 1994/35, endorsed the proposal by the Sub-Commission that the full study of the Special Rapporteurs be published and given the widest possible distribution. The Commission also decided to consider at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

152. No decision was taken by the Commission on this issue at its fifty-second session.

Sub-item (a) Question of human rights and states of emergency

153. In its resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Sub-Commission considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was undertaken by Ms. Nicole Questiaux, who submitted her final report (E/CN.4/Sub.2/1982/15) to the Sub-Commission at its thirty-fifth session.

154. In its resolution 1983/18, the Commission requested the Sub-Commission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

155. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency.

156. The Special Rapporteur has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh and eighth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1).

157. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

158. The Sub-Commission, at its forty-seventh session, in its resolution 1995/33, took note with interest of the principles to be followed for drafting legal provisions on states of emergency contained in the Special Rapporteur's fourth annual report and the report of the expert meeting on non-derogable rights in states or situations of emergency submitted by the Special Rapporteur in his eighth report, and encouraged the Special Rapporteur to submit his conclusions and recommendations on this subject in his ninth report. The Sub-Commission also took note of the consultations with institutions and experts already held by the Special Rapporteur on the subject of receiving, storing and retrieving information, through a database, on states of emergency and related human rights questions, and invited him to pursue and broaden such consultations so as to report to it on the results at its forty-eighth session.

159. The Commission, in its resolution 1996/36, recommended that the Economic and Social Council endorse the Sub-Commission's requests to the Special Rapporteur concerning his mandate.

160. At the present session, the Sub-Commission will have before it the ninth annual report and list prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/19).

Sub-item (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

161. In its resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237), but no action was taken.

Sub-item (c) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

162. By its decision 1980/124, the Economic and Social Council authorized the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

163. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). He submitted his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) to the Sub-Commission at its thirty-eighth session and drew attention, in particular, to the draft declaration on the independence of justice (E/CN.4/Sub.2/1985/18/Add.5/Rev.1).

164. The Special Rapporteur submitted to the Sub-Commission at its fortieth session a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).

165. At its forty-first session, in its resolution 1989/22, the Sub-Commission invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers.

166. At its forty-second session, the Sub-Commission considered the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and decided, in its resolution 1990/23, to entrust him with the preparation of a report.

167. In its resolution 1991/35, the Sub-Commission, at its forty-third session, taking note of the report prepared by Mr. Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4), decided to entrust him with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards.

168. In its resolution 1992/38, the Sub-Commission, at its forty-fourth session, took note of the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1992/25 and Add.1) and decided to entrust him with the preparation of a further report.

169. At its forty-fifth session, the Sub-Commission, in its resolution 1993/39, recommended that the Commission on Human Rights create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of potential threats to this independence and impartiality.

170. At its fiftieth session, the Commission, in its resolution 1994/41, endorsed the recommendation of the Sub-Commission and requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur whose mandate would consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

171. Subsequently, the Chairman of the Commission appointed Mr. Param Cumaraswamy (Malaysia) as Special Rapporteur.

172. At its forty-sixth session, the Sub-Commission, by its decision 1994/101, decided to change agenda item 11, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" to a sub-item of item 10 with the same title.

173. At its fifty-first and fifty-second sessions, the Commission on Human Rights had before it, respectively, the first and second reports submitted by the Special Rapporteur (E/CN.4/1995/39 and E/CN.4/1996/37). In its resolution 1996/34, the Commission requested the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-third session.

Item 11. The implementation of the human rights of women

174. At its thirty-seventh session, the Sub-Commission decided to include in its agenda a sub-item on the prevention of discrimination and protection of women.

175. At its fiftieth session, the Commission adopted resolution 1994/45, in which it decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session. Subsequently, the Chairman of the Commission appointed Ms. Radhika Coomaraswamy (Sri Lanka) as Special Rapporteur. The Special Rapporteur submitted her reports to the Commission at its fifty-first (E/CN.4/1995/42) and fifty-second (E/CN.4/1996/53 and Add.1 and Add.1/Corr.1 and Add.2) sessions.

176. At its forty-sixth session, in decision 1994/101, the Sub-Commission decided to delete from its agenda the sub-item entitled "Prevention of discrimination and protection of women" and to insert a new agenda item, entitled "Prevention of discrimination against women". Subsequently, in its resolution 1994/43, the Sub-Commission decided to replace the title of the item by "The implementation of the human rights of women".

177. In the same resolution, the Sub-Commission also requested the Secretary-General to report to the Sub-Commission at its forty-seventh session on the steps taken since the World Conference on Human Rights by special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission to implement the integration of women's human rights into the United Nations system.

178. At its forty-seventh session, the Sub-Commission had before it a report by the Secretary-General (E/CN.4/Sub.2/1995/22). In its resolution 1995/26, entitled "Implementation of the human rights of women and the girl child", the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission. It requested that all reports submitted at its forty-eighth session contain a gender perspective in their analyses and recommendations. The Secretary-General was requested to obtain the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the question whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women, and to invite those bodies to formulate, in their replies, any other observations on the question of reservations to that Convention they consider appropriate.

179. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1996/20).

180. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fiftieth session and by the Commission on Human Rights at its fifty-second session:

General Assembly

50/42 Implementation of the Outcome of the Fourth World Conference on Women: Action for Equality, Development and Peace

50/104 Women in development

50/154 The girl child

50/166 The role of the United Nations Development Fund for Women in eliminating violence against women

50/167 Traffic in women and girls

50/168 Violence against women migrant workers

50/203 Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

Commission on Human Rights

1996/17 Violence against women migrant workers

1996/24 Traffic in women and girls

1996/48 Question of integrating the human rights of women throughout the United Nations system

1996/49 The elimination of violence against women.

Item 12. Human rights and scientific and technological developments

181. The Sub-Commission, at its forty-fourth session, adopted decision 1992/104, in which it decided to consider under this item at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which could affect the mental condition or the genetic structure of human beings.

182. At its forty-sixth session, the Sub-Commission, by its decision 1994/108, decided to postpone the consideration of the item until its forty-seventh session.

183. The Commission on Human Rights, at its fifty-first session, in its resolution 1995/82, took note with satisfaction of the report of the Secretary-General on human rights and bioethics (E/CN.4/1995/74). In the same resolution the Commission requested the Sub-Commission, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect.

184. At its forty-seventh session, the Sub-Commission, by its decision 1995/101, decided to postpone the consideration of the item until its forty-eighth session.

185. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1995/23) transmitting his report on rights and bioethics, referred to above.

Item 13. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

186. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Sub-Commission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

187. At its thirty-eighth session, the Sub-Commission, in its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life". In its resolution 1985/34, the Sub-Commission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

188. At its forty-first session, the Sub-Commission, in its resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

189. At its forty-third session, the Sub-Commission had before it the working paper of Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1). By its decision 1991/106, the Sub-Commission decided to suspend the debate on the agenda item and to include the item in the provisional agenda of its forty-fourth session.

190. At its forty-fourth session, the Sub-Commission, by its resolution 1992/7, requested Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session.

191. At its forty-sixth session, the Sub-Commission had before it the supplementary working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1994/29). By its decision 1994/107, the Sub-Commission decided to postpone consideration of this item until its forty-seventh session.

192. At its forty-seventh session, the Sub-Commission, in its resolution 1995/24 entitled "Injurious effects of anti-personnel land-mines", decided to consider this question at its forty-eighth session under this agenda item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

Item 14. Discrimination against indigenous peoples

Working Group on Indigenous Populations

193. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

194. The Working Group on Indigenous Populations held 13 sessions prior to 1995. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.1, E/CN.4/Sub.2/1988/24 and Add.1-2, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30, E/CN.4/Sub.2/1995/24) to the Sub-Commission. These reports were also made available to the Commission.

195. At the present session, the Sub-Commission will have before it the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1996/21).

Health and indigenous peoples

196. At its forty-seventh session, the Sub-Commission, in resolution 1995/38, endorsed the recommendation of the Working Group on Indigenous Populations to highlight specific topics at its future sessions and to focus on indigenous health at its fourteenth session. It also requested the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information, in particular on matters relating to indigenous health, to be made available as a background paper at the fourteenth session of the Working Group.

Protection of the heritage of indigenous people

197. At its forty-second session, the Sub-Commission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples.

198. At its forty-third session, the Sub-Commission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Sub-Commission decided to entrust Ms. Daes with the further task of

preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Daes was appointed Special Rapporteur to prepare a study on this issue.

199. At its forty-fourth session, the Sub-Commission, in resolution 1992/35, requested the Special Rapporteur to include in her study, inter alia, a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, and preliminary views on the feasibility of developing a United Nations manual of indigenous laws in that field. The Sub-Commission recommended that the Special Rapporteur also include a consideration of the relationship between indigenous cultural and intellectual property, as well as recommendations for further research and action on intellectual property, and that the title of the study should be revised to "Protection of the cultural and intellectual property of indigenous peoples".

200. At its forty-fifth session, the Sub-Commission had before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Sub-Commission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples and to submit a report to the Sub-Commission.

201. By its decision 1994/274 of 25 July 1994, the Economic and Social Council, noting Commission on Human Rights decision 1994/105 of 4 March 1994, authorized the Special Rapporteur to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people, and approved the new title of the study: "Protection of the heritage of indigenous people".

202. At its forty-sixth session, the Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/1994/31), as well as proposed principles and guidelines prepared by the Special Rapporteur, annexed to the report. In its resolution 1994/48, the Sub-Commission requested the Secretary-General to submit the principles and guidelines to indigenous peoples' organizations, nations and communities, Governments, specialized agencies and intergovernmental and non-governmental organizations concerned for their comments. The Sub-Commission requested the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session.

203. At its forty-seventh session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/26). In its resolution 1995/40, the Sub-Commission took note of the limited number of replies received from Governments, indigenous communities and organizations and other parties concerned and requested that the report be resubmitted to the above-mentioned parties as well as to the specialized agencies. The Special Rapporteur was requested to prepare a supplementary report and to submit it to the Sub-Commission at its forty-eighth session.

204. At the present session, the Sub-Commission will have before it the supplementary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/22).

Study on the significance of treaties, agreements and other constructive arrangements

205. In its resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. In the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

206. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

207. In its resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

208. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

209. At its forty-fourth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32). By its decision 1992/110, the Sub-Commission requested the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. This decision was endorsed by the Commission in its decision 1993/105.

210. At its forty-sixth session, the Sub-Commission, in its decision 1994/116 decided to recommend to the Special Rapporteur to submit the second progress report to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session.

211. At its forty-seventh session, the Sub-Commission had before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/27). In its decision 1995/118, the Sub-Commission expressed its satisfaction for the second progress report of the Special Rapporteur and requested him to submit a third progress report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session.

212. At the present session, the Sub-Commission will have before it the third progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/23).

International Decade of the World's Indigenous People

213. The General Assembly, at its forty-eighth session, in resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the period 1 January to 9 December 1994 to be set aside for planning for the Decade in partnership with indigenous people. The General Assembly also requested the Commission on Human Rights, at its fiftieth session, to invite the Working Group on Indigenous Populations to identify a date every year that might be observed as the International Day of Indigenous People; in the same resolution the Working Group was requested to identify possible programmes and projects in connection with the Decade and to submit them through the Subcommission to the Commission on Human Rights for its consideration.

214. The Commission on Human Rights, at its fiftieth session, in its resolution 1994/26, reiterated the recommendations and requests made in General Assembly resolution 48/163. At its forty-sixth session, the Subcommission, in its resolution 1994/47, decided to recommend that the International Day of Indigenous People be observed every year on 9 August. It also recommended that a second technical meeting on the International Decade be convened prior to the thirteenth session of the Working Group on Indigenous Populations to consider the final programme of action for the Decade and that its suggestions be referred to the Working Group for elaboration.

215. The General Assembly, in its resolution 49/214, adopted a short-term programme of activities for 1995 and invited the Commission on Human Rights to consider it with a view to adjusting or supplementing it if required. The Assembly also decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. The Commission on Human Rights, in its resolution 1995/28, decided that the final programme of activities for 1995 should be that contained in the annex to that resolution. The suggestions of the Working Group on Indigenous Populations relating to the programme of the Decade were contained in its report (E/CN.4/Sub.2/1995/24).

216. The General Assembly, in its resolution 50/157, adopted the programme of activities for the Decade contained in the annex to its resolution. In its resolution 1996/39, the Commission on Human Rights welcomed the decision of

the General Assembly to adopt the programme of activities for the Decade. It also welcomed the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the International Decade of the World's Indigenous People. The first session of the advisory body was held from 29 April to 1 May 1996.

Permanent forum for indigenous people

217. In its resolution 48/163, the General Assembly requested the Commission on Human Rights at its fiftieth session to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28 of 4 March 1994, the Commission requested the Working Group on Indigenous Populations to consider the question and submit its suggestions, through the Subcommission, to the Commission at its fifty-first session.

218. At its forty-sixth session, the Sub-Commission, in its resolution 1994/50, recommended that the Centre for Human Rights organize a workshop on a possible permanent forum with the participation of representatives of Governments, indigenous organizations and independent experts. The Commission on Human Rights, in its resolution 1995/30, endorsed the recommendation to hold such a workshop. A workshop on a possible permanent forum for indigenous people was organized in Copenhagen from 26-28 June 1995 and its report (E/CN.4/Sub.2/AC.4/1995/7) was submitted to the Working Group on Indigenous Populations at its thirteenth session. The suggestions of the Working Group relating to the permanent forum were contained in its report (E/CN.4/Sub.2/1995/24).

219. At its forty-seventh session, the Sub-Commission, in its resolution 1995/39, requested the Secretary-General to transmit the report of the workshop to Governments and intergovernmental and indigenous organizations, inviting them to express their views concerning the establishment of a permanent forum, and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its fourteenth session.

United Nations Voluntary Fund for Indigenous Populations

220. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The General Assembly, in its resolution 50/156, decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32, as well as in the

deliberations of the Working Group on Indigenous Populations. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its ninth session from 22 to 26 April 1996.

221. In discussing this item, the Sub-Commission may also wish to take into account the report of the first session of the working group established in accordance with Commission on Human Rights resolution 1995/32 (E/CN.4/1996/84). The working group was established for the sole purpose of elaborating a draft declaration, considering the "Draft United Nations declaration on the rights of indigenous peoples" as adopted by the Sub-Commission in its resolution 1994/45.

Item 15. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

222. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

223. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

224. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Sub-Commission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

225. At its forty-seventh session, the Sub-Commission adopted resolution 1995/16 on the report of the Working Group on Contemporary Forms of Slavery. The Sub-Commission recommended, inter alia, that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for

commercial purposes. It also recommended that the Commission adopt the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1).

226. The Commission on Human Rights, at its fifty-second session, in resolution 1996/61, requested the Secretary-General to examine the reliability of allegations regarding the removal or organs and tissues of children and adults for commercial purposes in order to enable the Commission at its fifty-third session to decide upon possible follow-up in this matter, taking into account the recommendation of the Sub-Commission in this regard. The Commission also approved the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others while taking note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material.

227. At the present session, the Sub-Commission will have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-first session (E/CN.4/Sub.2/1996/24), which was held from 17 to 26 June 1996.

Sale of children, child prostitution and child pornography

228. In its resolution 1992/74, the Commission, at its forty-eighth session, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by the Sub-Commission. The Commission requested all States to inform periodically the Sub-Commission of measures adopted to implement the Programme of Action and on the efficacy of such measures, and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

229. At its forty-seventh session, the Sub-Commission, in its resolution 1995/16, decided to transmit the report of the Secretary-General on the status of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/1995/29 and Add.1) to Commission on Human Rights for its consideration. It also requested the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action.

Exploitation of child labour and debt bondage

230. At its forty-ninth session, the Commission, in resolution 1993/79, adopted the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission and requested all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures. The Sub-Commission was requested to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

231. By its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session, and to extend that study to the problem of debt bondage.

232. At its forty-sixth session, the Sub-Commission, in its resolution 1994/5, recommended that the Commission at its fifty-first session endorse the recommendation to appoint Mrs. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage.

233. At its fifty-first session, the Commission on Human Rights in its resolution 1995/27, requested the Sub-Commission to give further consideration to its proposed appointment of Mrs. H.E. Warzazi as Special Rapporteur and to make the appointment subject to the submission of a preparatory document.

234. At its forty-seventh session, the Sub-Commission, in its resolution 1995/16, requested the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action on the Elimination of the Exploitation of Child Labour and to submit a report thereon to the Sub-Commission at its forty-eighth session and the Commission at its fifty-third session.

235. At its present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1996/25).

Slavery and slave-like practices during wartime

236. At its forty-sixth session, in its decision 1994/109, the Sub-Commission decided to invite Ms. Linda Chavez to submit a working paper on the situation of systematic rape, sexual slavery and slave-like practices during wartime, including internal conflict, to the Sub-Commission at its forty-seventh session.

237. At its forty-seventh session the Sub-Commission had before it the working paper prepared by Ms. Chavez (E/CN.4/Sub.2/1995/38).

238. By its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission (resolution 1995/14) to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

239. Subject to approval by the Economic and Social Council of the Special Rapporteur's appointment, the Sub-Commission at its present session will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1996/26).

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

240. In its resolution 46/122, the General Assembly, at its forty-sixth session, decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

Item 16. Promotion, protection and restoration of human rights at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

241. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

242. In paragraph 3 of resolution 1994/9, the Sub-Commission requested the Secretary-General to submit to the Sub-Commission at its forty-seventh session a note on the situation of children deprived of their liberty under the agenda sub-item entitled "Prevention of discrimination and protection of children: human rights and youth".

243. In accordance with this request, the Sub-Commission at its forty-seventh session had before it a note by the Secretary-General on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30).

Sub-item (b) Human rights and disability

244. In its resolution 1984/20, the Sub-Commission decided to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability". In the same resolution, the Sub-Commission decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26.

245. At its forty-third session, the Sub-Commission considered and approved the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31). The Sub-Commission adopted resolution 1991/19, in which it welcomed the recommendations contained in the report, in particular those relating to the implementation of the human rights of disabled persons.

246. The Commission, in its resolution 1992/48, invited human rights treaty-monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons. In its resolutions 1993/29, 1994/27, 1995/58 and 1996/27, the Commission reiterated that invitation.

247. In its resolution 1992/48, the Commission requested the Secretary-General to issue the final report of the Special Rapporteur as a United Nations publication in all official languages. The final report was published as No. 6 in the Study Series, under the title Human Rights and Disabled Persons (E.92.XIV.4).

248. With respect to the present item, the attention of the Sub-Commission is also drawn to General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and decided to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor their implementation (Part IV, para. 2).

249. In addition, the Vienna Declaration and Programme of Action made specific reference to the rights of disabled persons (Part I, para. 22 and Part II B, sect. 6).

250. The Sub-Commission, at its forty-seventh session, in its resolution 1995/17, requested the Secretary-General to report in 1996 to the Sub-Commission regarding coordination endeavours which affect persons with disabilities, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect persons with disabilities.

251. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1996/27).

Item 17. Protection of minorities

252. The Sub-Commission, at its fortieth session, in resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

253. At its forty-first session, the Sub-Commission, in resolution 1989/44, having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a

further report on national experience in the protection of minorities, and decided to consider those issues at its forty-second and future sessions under a separate agenda item.

254. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates, and requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

255. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities.

256. At its forty-sixth session, having examined the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report, submitted in 1993, the Sub-Commission, in its resolution 1994/4, requested the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Sub-Commission.

257. The Sub-Commission also recommended that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities. The Sub-Commission approved the following composition of the pre-sessional working group: Mr. Bengoa (Latin America), Mr. Eide (Western Europe), Mr. Khalil (Africa), Mr. Khan (Asia) and Mr. Chernichenko (Eastern Europe).

258. The Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

259. The first meeting of this working group took place from 28 August to 1 September 1995. The second session of the working group was held from 29 April to 3 May 1996. At the present session, the Sub-Commission will have before it the reports of the Working Group on Minorities on its first (E/CN.4/Sub.2/1996/2) and second (E/CN.4/Sub.2/1996/28) sessions (see also paras. 280 to 282 below).

Item 18. Freedom of movement

260. At its fortieth session, in resolution 1988/39, the Sub-Commission, having noted the report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda at its forty-first session.

261. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

262. No action was taken by the Commission on this issue at its forty-eighth and subsequent sessions.

263. At its forty-fourth session, the Sub-Commission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item provisionally entitled "Freedom of movement".

264. At its forty-fourth session, the Sub-Commission, in its resolution 1995/13 entitled "The right to freedom of movement", requested the inter-sessional working group on minorities of the Sub-Commission to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced. The Sub-Commission decided to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement" and to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return.

Sub-item (a) Situation of migrant workers and members of their families

265. At its forty-fifth session, the Sub-Commission, in its resolution 1993/21, decided to include the situation of migrant workers and members of their families on the agenda of its forty-sixth session, as a sub-item of the item on freedom of movement.

266. The Sub-Commission may wish to note the following resolutions adopted by the General Assembly at its fiftieth session, and by the Commission on Human Rights, at its fifty-second session.

General Assembly

50/169 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Commission on Human Rights

1996/17 Violence against women migrant workers

1996/18 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Sub-item (b) Population displacements

267. At its forty-sixth session, the Sub-Commission by its resolution 1994/24 decided to include, under the agenda item "Freedom of movement", a sub-item relating to questions of displacement entitled "Population displacement".

Human rights and population transfer

268. In its resolution 1990/17, the Sub-Commission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

269. In its resolution 1991/28, the Sub-Commission, at its forty-third session, recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and such other relevant materials as might be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies.

270. At its forty-fourth session, in resolution 1992/28, the Sub-Commission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

271. At its forty-fifth session the Sub-Commission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study and to submit a progress report to the Sub-Commission at its forty-sixth session.

272. At its forty-sixth session, the Sub-Commission in resolution 1994/42 decided to consider the final report of the Special Rapporteur at its forty-seventh session under the agenda item entitled "Freedom of movement".

273. At its forty-seventh session, the Sub-Commission, in its decision 1995/111, bearing in mind that the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, Mr. Awn Al-Khasawneh, was not in a position to submit his final report to the Sub-Commission at its forty-seventh session, decided to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session. The Sub-Commission also decided to consider the final report of the Special Rapporteur at its forty-eighth session.

274. At the present session, the Sub-Commission will have before it a note by the Secretary-General on the final report of the Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1996/29).

Item 19. Implications of humanitarian activities for the enjoyment of human rights

275. At its forty-fifth session the Sub-Commission decided, by its decision 1993/102, to include on its agenda a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights". At the same session the Sub-Commission decided, in its resolution 1993/38, to recommend that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. This recommendation was not approved by the Commission at its fiftieth session (decision 1994/103).

276. At its forty-sixth session, the Sub-Commission, in its resolution 1994/25, expressed its appreciation to Ms. Palley for her preparatory document on the subject (E/CN.4/Sub.2/1994/39) and decided to recommend to the Commission on Human Rights the appointment of Ms. Palley as Special Rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

277. At its fifty-first session, the Commission, in its decision 1995/107, having due regard for the importance for all United Nations organs and bodies to consider the impact of their activities on human rights, but also having regard for the need for the Sub-Commission to avoid making judgements on issues within the responsibility of other United Nations bodies and to avoid overloading its agenda, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion of human rights.

278. At its forty-seventh session, the Sub-Commission, in its resolution 1995/19, having taken note of Commission on Human Rights decision 1995/107 and the need expressed therein for the Sub-Commission to avoid making judgements on issues that are within the responsibility of other United Nations bodies, decided to recommend again that the Commission on Human Rights authorize the Sub-Commission to designate one of its members as special rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

279. At its fifty-second session, the Commission on Human Rights, in its decision 1996/106, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

Item 20. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers

280. At its forty-sixth session, in its resolution 1994/4, the Sub-Commission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

281. At its forty-seventh session, the Sub-Commission, in its decision 1995/110, taking into account the working paper prepared by Mr. Asbjørn Eide presented at its forty-sixth session (E/CN.4/Sub.2/1994/36 and Corr.1), decided to request Mr. Eide to prepare, without financial implications, a second working paper containing further suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers, to be presented at its forty-eighth session, and to request Mr. Eide to take into account the discussion and the proposals made during the joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination on 8 August 1995.

282. At the present session, the Sub-Commission will have before it the second working paper prepared by Mr. Eide (E/CN.4/Sub.2/1996/30). (See also paras. 252-259 above.)

Item 21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-ninth session of the Sub-Commission

283. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the

functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

284. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-eighth session, a note containing a draft provisional agenda for the forty-ninth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1996/L.1).

Item 22. Adoption of the report on the forty-eighth session

285. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the secretariat.

Annex

MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the fifty-fourth (1998) session or at the fifty-sixth (2000) session of the Commission on Human Rights.

Mr. Miguel Alfonso Martínez	(Cuba)	2000
* Ms. Marianela Ferriol Echevarría		
Mr. Mohammed Sardar Ali Khan	(India)	1998
Mrs. Judith Sefi Attah	(Nigeria)	1998
* Mrs. Christy Ezim Mbonu		
Mr. José Bengoa	(Chile)	1998
Mr. Marc Bossuyt	(Belgium)	2000
* Mr. Guy Genot		
Mr. Volodymyr Boutkevitch	(Ukraine)	2000
* Mr. Oleg Shamshur		
Mr. Stanislav V. Chernichenko	(Russian Federation)	1998
* Mr. Teimuraz O. Ramishvili		
Ms. Erica-Irene A. Daes	(Greece)	1998
* Ms. Kalliopi Koufa		
Mr. Asbjørn Eide	(Norway)	2000
* Mr. Jan Helgesen		
Mr. Osman El-Hajjé	(Lebanon)	1998
Mr. Fan Guoxiang	(China)	1998
* Mr. Zhong Shukong		
Mrs. Clemencia Forero Ucros	(Colombia)	2000
* Mr. Alberto Diaz Uribe		
Mr. El-Hadji Guissé	(Senegal)	1998
* Mr. Ndary Toure		
Ms. Lucy Gwanmesia	(Cameroon)	1998

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* Alternate

Mr. Ribot Hatano * Mr. Yozo Yokota	(Japan)	2000
Mr. Louis Joinet * Mr. Emmanuel Decaux	(France)	1998
Mr. Ahmad Khalifa * Mr. Ahmed Khalil	(Egypt)	2000
Mr. Miguel Limón Rojas * Mr. Héctor Fix Zamudio	(Mexico)	1998
Mr. José Augusto Lindgren Alves * Ms. Marília S. Zelner Gonçalves	(Brazil)	1998
Mr. Ioan Maxim * Mr. Antoanella Iulia Motoc	(Romania)	2000
Mr. Mustapha Mehedi	(Algeria)	2000
Ms. Claire Palley * Mr. John Merrills	(United Kingdom of Great Britain and Northern Ireland)	1998
Mr. Sang Yong Park * Mr. Myung Chul Hahm	(Republic of Korea)	2000
Ms. Halima Embarek Warzazi	(Morocco)	2000
Mr. David Weissbrodt * Ms. Gay J. McDougall	(United States of America)	2000
Mr. Fisseha Yimer	(Ethiopia)	2000